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C O N F I D E N T I A L SECTION 01 OF 02 KABUL 000393

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SUBJECT: HUMAN RIGHTS EFFORTS IN AFGHANISTAN: FINDING THE
BALANCE BETWEEN PRUDENCE AND CAUTION

REF: KABUL 361

Classified By: Political Counselor Alan Yu for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: SRSK Kai Eide told 35 gender donors group representatives at their 2/10 retreat that he would like to speak out more on human rights issues but frequently remains silent because he fears unintended negative consequences of a public statement. Eide's comments reflect frustration among a number of human rights actors over the lack of a strategy to advance human rights generally, and in specific cases. UNAMA's human rights unit is understaffed and focused on civilian casualties issues. The Europeans meet regularly to share information and debate strategy and recently have been energized by a new leader. They report difficulty, however, drawing the attention of their heads of mission to human rights issues.

Eide's Remarks

¶2. (SBU) Eide identified three priorities in his 2/10 speech to the gender donors group: raising human rights concerns publicly in a strategic manner, more international community ("IC") public recognition of and support to successful Afghan female leaders such as the Bamiyan governor, and more capacity building work with female Members of Parliament. Eide also emphasized the IC must approach any reconciliation effort with extreme caution and attention to how it affects women.

¶3. (SBU) Eide asked conference attendees to insist their Ambassadors or heads of agencies engage Afghan officials on human rights issues. However, the IC should take its lead from Afghans on which issues and how to speak out publicly, Eide cautioned. He is frustrated because he receives wildly different advice from the different Afghans he consults on the implications of public statements on specific human rights issues.

¶4. (SBU) Human rights actors criticize Eide for his reticence, accusing him of passively listening to President Karzai rather than offering independent counsel on human rights issues. Eide is too easily influenced by Karzai, lets Karzai do all the talking, and just listens and agrees, Afghan Independent Human Rights Commission (AIHRC) Commissioner Nader Naderi said. Under prior SRSKs, UNAMA and AIHRC enjoyed close cooperation and collaborated regularly. Eide has sent an indirect but clear message he is not interested in this relationship, Naderi claimed.

UNAMA Human Rights Unit

¶5. (C) UNAMA's human rights unit is understaffed. The unit is also not formally integrated into UNAMA's two pillar structure, reporting directly to Geneva rather than through the political or humanitarian pillars. Several European diplomats have directly taken the unit's chief to task, accusing her of lack of leadership and passivity. The unit's

main focus has been reacting to civilian casualties incidents. The critics contend the unit has made limited efforts in its other stated priority areas: freedom of expression, women's issues, arbitrary detention, and the human rights dimension of poverty.

EU Human Rights Group

¶16. (C) The EU's human rights focus areas are: aid to the new Ministry of Justice human rights unit, aid to the AIHRC, supporting UNAMA's human rights activities, and supporting human rights activists. The EU also has six areas of concern: the death penalty, arbitrary detentions, due process, impunity, civilian protection, women's issues, and threatened human rights activists. EU countries meet regularly to discuss these issues, but the outcome of these gatherings is often limited to networking and information sharing. Attendees say the main challenges in going beyond this role have been engaging their superiors on human rights issues and developing effective strategies to respond to specific human rights concerns.

¶17. (SBU) The newly arrived Special Representative of the European Union (SREU) human rights officer has increased coordination between EU missions and interested non-EU missions including the U.S., Canada, and Switzerland. She also organized working groups to tackle specific issues such as researching and developing a strategy on discriminatory portions of the Shia family code and the Afghan appellate court's recent affirmation of the 20-year prison sentences in the Dari Koran case. (Reftel)

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Gender Donors Group

¶18. (SBU) Representatives from a few embassies, often including Danish, Italian, Norwegian, German, and U.S., and several aid organizations, (USAID, GTZ, DFID, SIDA), and international organizations (UNIFEM, UNAMA, UNICEF, UNHCR), meet monthly to discuss work on gender issues. The UNIFEM-led group has yet to define a clear strategy or purpose and suffers from irregular attendees. More fundamentally, members representing political missions, aid agencies, and international organizations cannot agree to a shared group strategy. The group acknowledges this weakness and is trying to develop a more goal-orientated strategy and to increase coordination with similar groups, including the EU human rights group.

Looking Ahead

¶19. (SBU) On our part, our human rights approach is clear -- we have a wide range of capacity-building programs in both the justice sector and with civil society to build a culture of respect for rule of law and due process. On high profile cases, we engage directly and discreetly with senior officials, an approach that is more advised than a public or confrontational strategy.

¶10. (SBU) As election season approaches, post is increasingly considering all portfolios in terms of how they are affected by and affect the electoral process. Post plans to support human rights by supporting and mentoring civil society organizations conducting election monitoring and civic education, encouraging more women to vote and educating them about what voting means, and monitoring and supporting balanced and free media coverage of the campaigns, among other ways.

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